

### **REMARKS**

Entry of the amendment is respectfully requested since it would reduce the issues on appeal and does not introduce new matter. Reconsideration is respectfully requested in light of the remarks that follow.

Claims 1, 3-8, 12-14 and 16-23 are before the Examiner. Claims 9-11 were previously cancelled. Claims 2 and 15 are cancelled. Claims 1 and 14 have been amended to include the subject matter of claims 2 and 15, respectively. The claims as amended now specify that each surface of the claimed paving stone can serve a horizontal surface for the next stone layer. This couples with a characteristic of the paving stone to be rotated 90° about either its horizontal or vertical axis stone to display a potentially unique "patterned" surface, which is used to create a desired paving stone arrangement. This gives rise to the desired variegated appearance. In addition, all the claims now clearly identify the "block" as being a "paving stone" to avoid confusion with other building materials. The paving stones are used to prepare walks etc. and have typical dimensions which distinguish over cubical aggregates used in road construction as a road topping.

Applicants note that the Official Action is silent as to the previously submitted Attachments A-C. Accordingly, it is not clear from the Office Action if these attachments had been considered and to what degree. Attachment A was concerned with the successful commercialization of the instant invention. Attachment C is the European Patent No. 1,119,661 B1 which corresponds to the instant application. The status of these exhibits is requested.

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The arguments directed towards the existing rejections in their entirety as set forth in the filed Appeal Brief and subsequent responses are incorporated herein by reference.

### **A Synopsis of the Subject Matter Claimed**

Independent Claims 1 and 14 are directed to a approximately cube-shaped paving-stone wherein at least one faces is substantially planar over substantially its entire surface area, and at least another faces has one rounded portion extending toward one side edge of the paving stone over at least 1/6 of the at least one face and each face of the paving stone can function as horizontal upper face during laying process. Claim 1 specifies the distance between the planar portions of the opposite faces of the paving stone to be substantially equal. Claim 14 specifies the distance between the planar portions of each set of opposite faces to be substantially equal to the distance between the planar portions of each other set of opposite faces. The ability of the paving stone to be rotated about either its horizontal or vertical axis to display a potentially unique surface (planar and non-planar faces) is critical to achieving the resultant range of possible stone patterns from a limited number of block types. See figures 4, 5 and 7. This range is possible with the additional advantage of each surface potentially serving as a horizontal upper surface. The wide range of pattern possibilities is achieved from a limited number of stone types simplifies manufacturing and thereby reduces costs.

The various unique configurations of the paving stone are fashioned by mere rotations of the cube prior to placement. See each of the paragraphs bridging pages 2 and 3 and 3 and 4 of the specification, respectively. Further pattern variations are possible from mixture of paving stones of various sizes having in common at least one dimension of the approximately cube-

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shaped paving stone. These additional paving stones would have a dimension that is a multiple (e.g., 2 L) of the cube (L) dimension. The judicious placement of these larger stones in a pattern allows the horizontal plane surface to be maintained. This simplifies the laying process and also results in enhanced pattern variation. See figure 5.

This paving stone concept has been well received in both Europe and the United States. Approximately, 40,000 m<sup>2</sup> have been manufactured and sold in Germany and the technology has been licensed by Oaks Concrete Products, Ltd. (<http://www.oakspavers.com>) and is being manufactured by Oaks Concrete Products, Ltd in three different locations. "Via Torino" ("Via-Aurelia®") is a commercial form of the claimed product. See Attachment A (Previously submitted).

The various claim types associated with the inventive concepts appear in Attachment D. The claims are grouped according to paving stone types or characteristics as well as their presence in sets of blocks and also in laid "arrangements" of paving stones. The characteristics of the paving stones includes horizontal upper face, radius of curvature, sharp-edged, opposed substantially planar faces and clothoid shape. This arrangement allows the Examiner to more quickly assign arguments to claim groupings, e.g. a particular use advantage may be more easily assigned to the "set" or "laid arrangement" in contrast to a structural advantage may be assigned more readily to a group of paving stone claims. It should be clear that the claims do not stand or fall together. This is especially true for the stone set and the laid stone claims which reflect a commercial unit which rely on the advantage of a series of stones sharing a common dimension with a basic cube-shaped paving stone. This shared dimensional characteristic results in ease of use (a horizontal planar surface to receive the next stone layer) and a highly variable pattern

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potential from a minimum number of stone types by mere rotation about the axis of an individual stone, especially the cube-shaped paving stone, which has the potential of displaying six unique patterns.

### **Double Patenting**

Claims 1-8 and 12-23 are rejected under 35 U.S.C. 101 as claiming the same invention as that of prior U.S. Patent No. D 448,092. Applicants respectfully traverse.

A basis for the Examiner's finding of a "same" invention, needed to support statutory double patenting rejection, is not set forth in the Office Action. It appears from the Official Action that the Examiner is of the opinion that the "sameness" of the inventions between the design patent and the instant rejection is readily apparent. Applicants respectfully disagree, especially when one considers that certain claim types, e.g. sets of paving stones (molded concrete blocks) (claims 3, 4, 16 and 17) and laid sets of paving stones (molded concrete blocks) (claims 13 and 23) are not even depicted in the figures of the design patent.

It is further observed by Applicants that the designs shown in figures 1-4 of the design patent are not depicted in any figure of the instant application. Nor can it be reasonably be said that any of the claims is a verbal description of the figures of the design patent relied upon. Rather, the instant claims recite structural and compositional characteristics that are associated with their use as paving stones.

The Examiner's attention is again directed to the sections of the M.P.E.P. referred to in the last response along with the case law cited therein. Please note that there is no statutory ground (35 U.S.C. 101 or 171) for double patenting between a utility patent and a design patent.

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Rather, the rejection is based on a judicial doctrine. See Corman Indus INC v Wahl, 724 F.2d 939, 220 U.S.P.Q. 481 (Fed. Cir. 1983). The policy concern is the improper extension of a patent monopoly. The test is a two way test and not a one way test as apparently suggested in the Office Action. See In re Dembiczak, 175 F. 3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999), In re Thorington, 418 F. 2d 528, 163 U.S.P.Q. 644 (C.C.P.A.).

For double patenting to exist, it must be established that the claims of an application are substantially the same as those of a first patent. "Same invention" means identical subject matter. Miller v. Eagle Mfg. Co., 151 U.S. 186 (1984).

Test for "sameness" in the context of double patenting is whether the features producing the novel aesthetic effect in the design patent or application the same as those are recited in the claims of the utility patent or application as producing a novel feature? Dembiczak. Also, mere overlap is not equivalent to claiming the same invention; rather the claims must be directed to identical subject matter. See In re Swett, 451 F.2d 631, 172 U.S.P.Q. 72 (C.C.P.A. 1971).

Here, none of the claims provide a word description of the features shown in the claim (figures) of the design patent but rather recite structural elements and compositional requirements of paving stones, sets of paving stones and laid sets of paving stones (horizontal upper face, radius of curvature, one side edge of said molded block is formed to be sharp-edged, two opposite faces which are substantially planar and clothoid shape). There is not even any overlap between the instant claims and those of the design patent that is apparent to Applicants.

It is again respectfully submitted that the Examiner has not established a prima facie case and has not relied on the proper ground for the rejection, e.g. a judicial doctrine. Withdrawal of the rejection is respectfully requested.

### **Obviousness Rejections**

Claims 1, 2, 5-8, 12-15 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock #957,985 in view of Rinninger #4,792,257. Applicants respectfully traverse.

Both independent claims 1 and 14 are directed to a cube-shaped paving stone which have sufficiently planar sides to permit side by side arrangement with adjacent stones, i.e. above, below and on each horizontal side. In addition, the stones have the potential to have a different shape on each of the six faces. When the stone is placed in a row, for example the face to be displayed can be selected by simple rotation about one of the cube's axes. The claims specify that at least one face is substantially planar over substantially its entire surface area and at least a second face has at least one rounded portion extending toward one side edge of the paving stone (molded block) over at least 1/6 of the at least one face. (Other structural shapes are specified by the dependent claims. ) In addition the independent claims have been amended to include the limitation of claim 2 and 15, respectively, which specifies that each cube face is sufficiently planar so that it can serve as a horizontal upper face. This is important since this structural limitation allows the easy placement of the stone and maximizes the ability to display a potentially unique surface. The paving stone arrangement can be varied with a minimal effort and ease since any one of the cube surface selections will result in an even planar upper surface

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in a horizontal row, which would result in the same height during paving stone placement. See Attachments A and the instant figures. Claims 1 and 14 are not similarly situated since claim 1 specifies substantially equal distance between the planar portions of the opposite faces of the paving stone and Claim 14 specifies the paving stone to have three sets of opposite faces, wherein the distance between the planar portions of each set of opposite faces is substantially equal to the distance between the planar portions of each other set of opposite faces.

It is submitted that the teachings of McClintock and Rinninger, taken alone or in combination are not suggestive of the invention as claimed. It is also submitted while both references deal with “stone”, it is not clear if the teachings are properly combined since McClintock deals with cube-shape aggregates for paving “public” road surfaces and Rinninger deals with substantially larger rectangular decorative paving stones used to prepare garden walks. The shared problems between the two applications are not readily apparent. It is also submitted that that making modifications to the any surface of the McClintock cube-shaped aggregate would defeat the purpose of the structure and defeat the purpose of the McClintock invention which is the assembly of the cubes into a road surface by mere raking of the cubes. The cube shape with flat planar sides allows the cubes to line up in a side by side fashion and form a flat upper horizontal surface. A curved surface would render it difficult or impossible to achieve a side by side arrangement, achievable by mere raking, which results in a flat planar horizontal upper surface.

The McClintock patent discloses paving material comprising very small cubes which are designed to be laid as is ordinarily done with broken stone (page 1, lines 34-36). There is no teaching of a design which requires an ordered placement of the cubes. (These are not paving

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stones in the manner taught by Rinninger. Note the stone dimensions, which are clearly different that two inches.) Specifically, the McClintock cubes are two inches on each side (page 1, lines 32, 33) and are not designed to be laid in a carefully chosen pattern to give a variegated appearance in the laid paving stone pattern. Instead, the two-inch cubes are dumped from a conveying cart onto a smooth foundation surface and spread out with stone forks or potato hooks (page 1, lines 36-44). The cubes are then raked together as closely as possible by means of the forks or rakes and, finally, the spaces between the cubes are filled with pitch, grout, cement, mortar or other suitable material (page 1, lines 46-50). The strictly cube shape allows them to be raked into the appropriate position. There is no teaching in McClintock of an improved or ornamental appearance. McClintock desires a smooth resilient surface for horse drawn and self propelled vehicles. See page 1, right column at lines 98-109.

The Examiner contends that it would have been obvious to provide rounded edges on the two-inch cubical blocks of the McClintock paving material in order to provide a more natural appearance to the blocks. As noted above this would defeat the very purpose of McClintock's invention, which is a smooth resilient surface formed by raking cube-shaped "bricks". See Figures 1, 2 and 3. The cube shape allows the "bricks" to line up. See left column, lines 44-46. Making the shape less or other than cuboidal is not suggested by McClintock and would appear contrary to McClintock's teachings.

Reliance on the Rinninger '257 patent to provide the motivation and guidance for suggesting the necessary to arrive at the invention as claimed appears misplaced. (The claims as amended clearly state that the invention is directed to a paving stone and not to a two inch cube used for public road surfacing. The instant specification and figures clearly identify the nature of

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the paving stone envisioned by Applicants.) Rinninger '257 teachings are directed to rectangular, not cube-shaped paving stones for garden walkways (column 1, lines 6-8). It would not appear that there is a suggestion or a teaching in Rinninger '257 that is applicable to surface coating for public thoroughfare, especially a coating composed of two inch "brick" cubes which are raked into position. The teachings of Rinninger '257 are clearly directed to rectangular paving stones which are placed in position by masons, one by one, to form a spectacular pattern pleasing to the public's eye. Further, Rinninger '257 rectangular paving stones are huge relative to the "brick" cubes of McClintock. It should be noted that the effects achieved by Rinninger '257 are not only result from the structure of the stone but also the careful and thoughtful placement of a mason.

Further, a part of the object of the Rinninger '257 patent is a shaping which allows the existence of interspaces between the paving stones laid against one another (column 1, lines 45-49). This is not desired by McClintock. Note the figures where the cubes abut one another in straight rows. Also note that if there is an unintended, undesired space, these spaces are filled with pitch, grout, cement or the like. One of the advantages of the McClintock patent is the avoidance of the necessity of skilled labor, which is ordinarily required in laying a pavement (page 1, lines 70-72).

Considering the different types of surface and the difference in size between the paving stones of the Rinninger patent and the cubical blocks of the McClintock patent, a person with ordinary skill in the art would not have considered applying the teachings of the Rinninger '257 patent to the cubical blocks disclosed in the McClintock patent. The combined teachings would not lead to the claimed blocks and their use to prepare ordered paver stone arrangements.

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Moreover, Claim 1 calls for at least a first one of the faces of the molded block being substantially planar over substantially its entire surface area. Two such faces of the molded block according to the present invention are the face 2 on the top of the block as shown in Fig. 1a and face 2' shown at the right front in Fig. 1b. In contrast, the Rinninger '257 patent discloses no face that is substantially planar over substantially its entire surface area. Further, the Rinninger '257 patent is directed to rectangular paving stones, where surface pattern selection is possible by rotation about 2 axes not three as the claimed cubic paving stone is. (With more pattern selections possible, the claimed invention can provide more arrangements for the laid paving stones.) For example, the plan view of Fig. 2a of Rinninger shows that the top, bottom, left and right faces of that figure all have at least one rounded portion that keeps it from being substantially planar. With respect to the surface shown in plan in Fig. 2a, it can be seen that the corner regions 28-30 each define a clothoid (column 5, lines 20-22), thereby preventing the surface at the top of Fig. 2b and shown in plan in Fig. 1b from being a face that is substantially planar over substantially its entire surface area.

Claim 5 depends on Claim 1 and calls for the radius of curvature of the rounded portion to decrease constantly toward the side edge. Similarly, Claim 18 depends on Claim 14 and calls for the radius of curvature of the rounded portion to decrease constantly toward the side edge. Using the rationale presented above in connection with claims 1 and 14 concerning the unobviousness of placing rounded portions on the two-inch cubes of McClintock, it would have been even more unobvious to make rounded portions having a radius of curvature which decreases constantly toward the side edge. More importantly, this proposed modification clearly defeats the central purpose of McClintock's two inch cubes and their rake-ability to form a

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smooth horizontal resilient paving surface. Similarly, with respect to Claims 6 and 19, it would have been even less obvious to form the two-inch cubes of McClintock with a clothoid extending toward the side edge over approximately 1/4 to 1/6 of the cube length for the same reasons.

Claim 12 depends on Claim 1 and calls for the paving stone (molded block) to have two opposite faces which are substantially planar over their entire surface areas. Similarly, Claim 22 depends on Claim 14 and calls for the paving stone (molded block) to have two opposite faces which are substantially planar over their entire surface areas. Such opposite, substantially planar faces are, for example, face 2 on the top of the paving stone (block) as shown in Fig. 1a and face 2' shown at the front right in Fig. 1b. In contrast, the Rinninger '257 patent discloses no faces which are substantially planar over their entire surface areas. For example, the plan view of Fig. 2a of Rinninger shows that the top, bottom, left and right faces of that figure all have at least one rounded portion that keeps it from being substantially planar. With respect to the surface shown in plan in Fig. 2a, it can be seen that the corner regions 28-30 each define a clothoid (column 5, lines 20-22), thereby preventing the surface at the top of Fig. 2b and shown in plan in Fig. 1b from being a face that is substantially planar over its entire surface area.

To have modified the two-inch blocks of McClintock to include clothoid corners at just enough corners to lead to substantially planar faces opposite one another would have been an improper picking and choosing of certain features from a modifying reference while leaving others behind. Such a modification would not have been obvious and would also defeat the purpose of the McClintock cube.

Claim 13 calls for a laid set of paving stones (blocks) comprising paving stones (molded blocks) according to claim 1, wherein the paving stones (blocks) are laid adjacent to one another

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in a pattern wherein some of the paving stones (blocks) have as their upper surfaces faces which are substantially planar over substantially their entire surface areas. Similarly, Claim 23 calls for a laid set of paving stones (blocks) comprising paving stones (molded blocks) according to Claim 14, wherein the paving stones (blocks) are laid adjacent to one another in a pattern wherein some of the paving stones (blocks) have as their upper surfaces faces which are substantially planar over substantially their entire surface areas. The claimed laid paving stone arrangements reflects the advantages of the cube-shaped paving stones, e.g. the varied patterns of arrangement achieved by the mere rotation of the individual paving stone about one of three axes prior to placement able while maintaining a planar horizontal surface of the same height for the next paving stone layer.

Accordingly, a proper prima facie case of obviousness has not been established for the reasons discussed above. The teachings of the references are directed to building materials used for decidedly different purposes, e.g. public road surfaces versus garden pathways. The proposed modification of McClintock defeats its purpose, e.g. a cube-shaped “brick” which lines up to form a uniform horizontal road surface by mere mechanical raking. The references alone or in combination do not suggest a cube-shaped paving stone like that claimed or its demonstrated advantages. Withdrawal of the rejection is respectfully requested.

Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock (957,985) in view of Rinninger (4,792,257) and further in view of Scheiwiller (5,348,417). Applicants respectfully traverse.

Claims 3 and 16 depend on Claims 1 and 14, respectively and are directed to a set of paving stones including those described in Claims 1 and 14 respectively, usable together to

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create even more varied patterns through the mere rotation of the stone about a rotation axis prior to placement to the previous laid stone.

Scheiwiller '417 does not remedy the deficiencies noted above for the combined teachings. Scheiwiller '417 does teach, as the Examiner describes, a set of square and rectangular paving stones, having a common dimension which allows their use to form a various patterns. However, there is no disclosure of cube-shaped paving stones or a paving stone having lateral (horizontal) planar surfaces on opposite surfaces, which surfaces abut adjacent stones. See Figures 1 and 2. Tooth 2 of the Scheiwiller '417 stone appears to be an essential structural element and critical achieving the disclosed object of the patent. To form a planar surface, it would need to be removed. The Scheiwiller '417 stone like those of the claimed invention are set in place individually by hand. This is in contrast to McClintock.

To adapt McClintock "brick" two inch cube in the manner taught by Scheiwiller '417 would render it unsuitable for McClintock's purpose- cubes which form a smooth, resilient public road surface by mere mechanical raking. The presence of multiple cube sizes would result in a nonuniform paving layer. The addition of a tooth 2 on four of the cube sides would also not achieve the road structure shown in McClintock figures. The tooth would prevent the cubes from lining up. Even ignoring the differences of size between walkway paving stones and cube-shaped aggregates, there are no teachings in any of the references which provide the guidance to select the requisite teachings and discard others from the totality of the teachings present in McClintock, Rinninger '257 and Scheiwiller '948 to arrive at the claimed structure. There is also the question of motivation to make each of the requisite selections. (There does

appear to be some reliance on the part of the Examiner to assemble the reference combination based on applicant's specification.).

Mere mechanical raking, as taught by McClintock, of stones of different sizes or shapes in the pavement as a whole would be haphazard and would not result in McClintock's desired end. In contrast, the claimed blocks permit the "stone mason" to position blocks of a minimum number block types to create a wide range of paver stone patterns. The cost, business and manufacturing advantages for the stone mason and the manufactures associated with the claimed block system are substantial and should not be dismissed.

It is also clear that the paving stones of Rinninger '257 or Scheiwiller '417 can not be raked into position.

Accordingly, a proper prima facie case of obviousness has not been established especially in light of the demonstrated commercial success mentioned now and in the previous response. Withdrawal of the rejection is respectfully requested.

Claims 3, 4, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock (957,985) in view of Rinninger (4,792,257) and further in view of Scheiwiller (5,503,498). Applicants respectfully traverse.

As was stated above, Claims 3 and 16 depend on Claims 1 and 14, respectively. Claims 4 and 17 also depend on Claims 1 and 14, respectively. Each of Claims 3, 4, 16, and 17 is allowable for the reasons given in connection with their independent claims.

The Examiner indicates that there is a teaching of paving stones having multiple lengths of a basic stone size. This is clearly shown in Figure 8 as is an arrangement composed of these

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stones (33, 34, 35, 37, 37, and 38). However, the Scheiwiller '498 reference does not remedy the deficiencies, discussed above.

Scheiwiller '498 teaches paving stones with lateral spacers 3. See figure 1. The stones are designed so that by positive meshing of the spacers with one another creating a paving stone bond. The interconnected stones form a mesh structure that increases stability and loadability. The lateral structures 3 are critical to the overall stone structure and their removal would defeat the purpose of the design. There is a mention of parallelogram-shape paving stones and square and rectangular shaped surfaces. See col. 3, l. 53-60. However, there is no mention of cube-shaped paving stones having substantially planar surfaces. There is no mention of paving stones that can be rotated about any one of three axes to display a potentially unique surface every ninety degrees. There is no mention of substantially planar surfaces, which are no adjacent to other stones, as free of lateral spacers 3. Accordingly, Scheiwiller '498 does not provide a teaching that would have rendered obvious any combination of McClintock and Rinninger '257 that would contain all of the subject matter of the claims.

To adapt McClintock "brick" two inch cube in the manner taught by Scheiwiller '498 would render it unsuitable for McClintock's purpose- cubes which form a smooth, resilient public road surface by mere mechanical raking. The presence of multiple cube sizes would result in a nonuniform paving layer. The addition of a lateral spacer 3 on four of the cube sides would also not achieve the road structure shown in McClintock figures. Even ignoring the differences of size between walkway paving stones and cube-shaped aggregates, there are no teachings in any of the references which provide the guidance to select the requisite teachings and discard others from the totality of the teachings present in McClintock, Rinninger '257 and

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Scheiwiller '948 to arrive at the claimed structure. There is also the question of motivation to make each of the requisite selections. (There does appear to be some reliance on the part of the Examiner to assemble the reference combination based on applicant's specification.).

Mere mechanical raking, as taught by McClintock, of stones of different sizes or shapes in the pavement as a whole would be haphazard and would not result in McClintock's desired end. In contrast, the claimed blocks permit the "stone mason" to position blocks of a minimum number block types to create a wide range of paver stone patterns. The cost, business and manufacturing advantages for the stone mason and the manufactures associated with the claimed block system are substantial and should not be minimized.

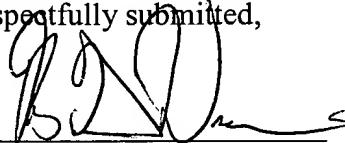
Accordingly, a proper prima facie case of obviousness has not been established. Withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.



Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. G. Wiseman', written over a horizontal line.

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DC2-DOCS1-669568v4

**Attachment D-Claims Grouped by Limitation Types**

**Molded concrete block for a paving-stone covering**

Claim 1 (Currently amended): A molded ~~block for a paving-stone covering~~, made of concrete, having approximately the shape of a cube, each face of said ~~molded block~~ paving-stone having at least a portion which is planar, the distances between the planar portions of the opposite faces of said paving-stone ~~molded block~~ being substantially equal, at least a first one of the faces of said paving-stone ~~molded block~~ being substantially planar over substantially its entire surface area, at least a second one of said faces having at least one rounded portion extending toward one side edge of said paving-stone ~~molded block~~ over at least 1/6 of said at least one face and wherein each face of the paving-stone can be used as a horizontal upper face.

Claim 14 (Currently amended): A molded ~~block for a paving-stone covering~~, made of concrete, having approximately the shape of a cube and having three sets of opposite faces, each face of said paving-stone ~~molded block~~ having at least a portion which is planar, the distance between the planar portions of each set of opposite faces being substantially equal to the distance between the planar portions of each other set of opposite faces, at least a first one of the faces of said paving-stone ~~molded block~~ being substantially planar over substantially its entire surface area, at least a second one of said faces having at least one rounded portion extending toward one side edge of said paving-stone ~~molded block~~ over at least 1/6 of said at least one face and wherein each face of the paving-stone can be used as a horizontal upper face.

### **Radius of curvature**

Claim 5 (Currently amended): A paving-stone ~~molded block~~ according to claim 1, wherein the radius of curvature of the rounded portion moving toward said side edge is formed as a curve with, in plan view or side view, a radius of curvature which decreases constantly toward the said side edge.

Claim 18 (Currently amended): A paving-stone ~~molded block~~ according to claim 14, wherein the radius of curvature of the rounded portion moving toward said side edge is formed as a curve with, in plan view or side view, a radius of curvature which decreases constantly toward the said side edge.

### **One side edge of said paving stone is formed to be sharp-edged**

Claim 7 (Currently amended): A paving-stone ~~molded block~~ according to claim 1, wherein at least one side edge of said paving-stone ~~molded block~~ is formed to be sharp-edged.

Claim 20 (Currently amended): A paving-stone ~~molded block~~ according to claim 14, wherein at least one side edge of said paving-stone ~~molded block~~ is formed to be sharp-edged.

**Two opposite faces which are substantially planar**

Claim 12 (Currently amended): A paving-stone ~~molded block~~ as recited in claim 1, wherein said paving-stone ~~molded block~~ has two opposite faces which are substantially planar over their entire surface areas.

Claim 22 (Currently amended): A paving-stone ~~molded block~~ as recited in claim 14, wherein said paving-stone ~~molded block~~ has two opposite faces which are substantially planar over their entire surface areas.

**Clothoid shape**

Claim 6 (Currently amended): A paving-stone ~~molded block~~ according to claim 1, wherein a face of the paving-stone ~~molded block~~ is shaped to form a clothoid extending toward said side edge over approx. 1/4 to 1/6 of the paving-stone length.

Claim 8 (Currently amended): A paving-stone ~~molded block~~ according to claim 1, having clothoidal rounded portions on at least two opposing side faces.

Claim 19 (Currently amended): A paving-stone ~~molded block~~ according to claim 14, wherein a face of the paving-stone ~~molded block~~ is shaped to form a clothoid extending toward said side edge over approx. 1/4 to 1/6 of the cube length.

Claim 21 (Currently amended): A paving-stone ~~molded block~~ according to claim 14, having clothoidal rounded portions on at least two opposite faces.

**A set of paving stones made of concrete**

Claim 3 (Currently amended): A set of paving-stones ~~molded block made of concrete~~ comprising a first paving-stone ~~molded block~~ according to claim 1, a second paving-stone ~~molded block~~ having an oblong shape, with a width and height of edge dimension L equal to that of said first paving-stone ~~cube~~ and a length of edge dimension 2L, whereby said second paving-stone ~~molded block~~ can be rotated through 90° and/or 180° about its horizontal longitudinal axis during laying, with a constant paving-stone ~~block~~ height.

Claim 4 (Currently amended): A set of paving-stones ~~molded blocks~~ made of concrete comprising a first paving-stone ~~molded block~~ according to claim 1, and a second paving-stone ~~molded block~~ in the form of a one-piece block which is square in plan view and with dimensions of four ~~cubes~~ of the first paving-stone with the size of said first mentioned cube lying beside one another.

Claim 16 (Currently amended): A set of paving-stones ~~molded blocks made of concrete~~ comprising a first paving-stone ~~molded block~~ according to claim 14, a second paving-stone ~~molded block~~ having an oblong shape, with a width and height of edge dimension L equal to that of said first paving-stone ~~cube~~ and a length of edge dimension 2L, whereby said second paving-

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stone molded block can be rotated through 90° and/or 180° about its horizontal longitudinal axis during laying, with a constant paving-stone block height.

Claim 17 (Currently amended): A set of paving-stones ~~molded blocks made of concrete~~ comprising a first paving-stone ~~molded block~~ according to claim 14, and a second paving-stone ~~molded block~~ in the form of a one-piece block which is square in plan view and with dimensions of four cubes with the size of said first mentioned cube lying beside one another.

#### **A laid set of paving stones**

Claim 13 (Currently amended): A laid set of paving-stones ~~blocks~~ comprising paving-stones ~~molded block~~ according to claim 1, laid adjacent to one another in a pattern wherein some of said paving-stone ~~molded block~~ of said set have as their upper surfaces the faces which are substantially planar over substantially their entire surface areas and some of said paving-stones ~~molded blocks~~ of said set have as their upper surfaces the faces having rounded portions, wherein the upper surface of each of the paving-stone ~~blocks~~ of said set is at the same height.

Claim 23 (Currently amended): A laid set of paving-stone ~~blocks~~ comprising paving-stones ~~molded blocks~~ according to claim 14, laid adjacent to one another in a pattern wherein some of said paving-stones ~~molded block~~ of said set have as their upper surfaces the faces which are substantially planar over substantially their entire surface areas and some of said paving-stones ~~molded blocks~~ of said set have as their upper surfaces the faces having rounded portions,

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wherein the upper surface of each of the paving-stones ~~molded-blocks~~ of said set is at the same height.